

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 7, 2001

D037870 Rite Aid Corporation et al. v. Superior Court of San Diego County/Albrecht et al.
The petition is denied.

D037852 Nozick v. Superior Court of San Diego County/Jemio et al.
The petition is denied.

D037691 Estrada v. Superior Court of San Diego County/People
The petition is denied.

D037451 In re Pargo on Habeas Corpus
The petition is denied.

D035292 Kaplan v. Castillo
The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Haller, J.

D037857 People v. Wenzel
The appeal is dismissed.

D036828 Orr v. Vons Companies, Inc.
The judgment is affirmed. Nares, Acting P.J.; I Concur: O'Rourke, J.; I Respectfully Dissent (Opinion): McIntyre, J.

D036926 Losee v. Superior Court of County of San Diego/Warner
The petition for a writ of mandate is granted and the trial court is directed to vacate its discovery order and enter a new order denying the motion to compel further answers. Costs on appeal are awarded to petitioner Losse. Huffman, J.; We Concur: Kremer, P.J., Benke, J.

D035266 Choong v. Sinochem (U.S.A.), Inc.
Judgment affirmed. Sinochem to recover its costs of appeal.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 8, 2001

D035329 Holloway v. Bardsley

The petition for rehearing is denied.

D036389 In re Jenks on Habeas Corpus

The petition is denied.

D034669 In re the Marriage of Kielbasa

The order is modified to reflect that the sum of \$5000 payable to Carmen Kielbasa's attorney is awarded as attorney fees under Family Code sections 271 and 272, subdivision (a). As so modified, the order is affirmed. Respondent Carmen Kielbasa shall have costs on appeal. Kremer, P.J.; We Concur: Benke, J., Haller, J.

D036838 In re Marriage of Rothman

The order is affirmed. Respondent shall have costs on appeal. Respondent's request for sanctions on appeal is denied. Kremer, P.J.; We Concur: Benke, J., Huffman, J.

D036188 People v. Echeverria

Judgment affirmed. Haller, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D036707 In re Kacey B., a Juvenile

Judgment affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D035207 Guardado v. Commercial Conservancy #1

The petition for rehearing is denied.

D037757 United States Fire Insurance Company et al. v. Travelers Indemnity Company of Illinois et al.

The appeal is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 9, 2001

D034197 Olszewski v. ScrippsHealth et al.

Section 14124.791 is invalid because it is preempted by federal law. Accordingly, respondents' lien under section 14124.791 is invalid, and all funds collected by Olszewski from the third party tortfeasor, whether by settlement or judgment, are free of any lien claimed by respondents under section 14124.791. In all other respects, the judgment of dismissal is affirmed. The parties shall bear their own costs on appeal. CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D037170 Curran v. Helgeson

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D033527 People v. Englebrecht, Jr.

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Benke, J.; We Concur: Kremer, P.J., Haller, J.

D036731 People v. Mayfield

Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D035145 People v. Burke

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D037219 Jose C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. McIntyre, J.; We Concur: Kremer, P.J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 10, 2001

D037744 Salerno v. San Diego County Employees Retirement Association

In that appellant has not responded to our letter of April 18, 2001 requesting a judgment, the appeal is dismissed without prejudice to filing a timely notice of appeal from the judgment when obtained.

D037767 LaRay H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for LaRay H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D036326 Carver et al. v. Chevron U.S.A., Inc., et al.

Upon written request filed by appellant Bill S. Capatanos, the appeal of Bill S. Capatanos is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

D034989 Allen v. Beals

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Huffman, J.

D034784 People v. Esparza

It is ordered that the opinion filed April 27, 2001, be modified as follows:

1. On page 7, the last sentence of the first full paragraph, the word "not" is to be inserted between the words "does " and "compel" so that the sentence reads: In other words, the fact that Wright's statements may have been incriminating does not compel a conclusion her statements were made against her penal interests.

There is no change in the judgment.

Court convened at 1:30 p.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Richard Huffman and James McIntyre

D037003 Black v. City of Huntington Beach

Cause called on merits. Mindy Bish, Esq. argued for appellant. Richard Wall, Esq. argued for respondent. Cause submitted. (**Telephonic oral argument.**)

Court recessed at 1:40 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Alex McDonald

D037277 Kelly v. Kelly

Cause called on merits. Karen Rhyne, Esq. argued for appellant. Carolyn Wynne MacMillin, Esq. argued for respondent. Cause submitted.

Court recessed at 2:00 p.m. until Monday, May 14, 2001 at 9:00 a.m.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 10, 2001(Continued)

D036883 In re Steven L., a Juvenile

Judgment affirmed. Benke, J.; We Concur: Kremer, P.J., Haller, J.

D036020 People v. Milot

We reverse the Penal Code section 1192.7, subdivision (c)(8) serious felony finding. In all other respects, we affirm. Kremer, P.J.; We Concur: Benke, J., McIntyre, J.

D027100 Oh v. Yi

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

D035260 Csaszi v. Ffizer Inc. et al.

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Nares, J.

D036637 In re Shanice F, a Juvenile

The request for publication of the opinion is denied.

D036137 People v. Carlos L.

Judgment affirmed. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D035045 People v. Bramlage

Affirmed. Haller, J.; We Concur: Benke, Acting P.J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 11, 2001

D035825 Gibson v. San Diego Housing Commission

Judgment affirmed. Benke, J.; We Concur: Kremer, P.J., Huffman, J.

D037834 In re Shana F., a Juvenile

The appeal is dismissed as from a non-appealable order.

D036381 People v. Brown

The sentence for count 3 is reversed. The trial court is directed to issue an amended abstract of judgment staying the sentence on count 3 and forward the amended abstract of judgment to the Department of Corrections. The judgment is affirmed in all other respects. McIntyre, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D036081 People v. Hernandez

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D036702 In re Donald S., a Juvenile

Judgment affirmed. Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D035211 People v. McKinnie

The appeal is dismissed. Huffman, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D037292 In re Marcia S. et al., Juveniles

Judgments affirmed. Nares, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D035946 People v. Scheidt

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D035827 In re Dwight L., a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D037845 In re Crespo on Habeas Corpus

The petition is denied.

D035945 People v. Franklin

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.